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ATTORNEY FOR PLAINTIFF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

| | | |
|------------------------------------|---|---|
| GARY LANKFORD, |) | Case No.: 1:12-cv-01517-NJV |
| |) | |
| Plaintiff, |) | STIPULATION FOR THE AWARD AND |
| |) | PAYMENT OF ATTORNEY FEES AND |
| vs. |) | EXPENSES PURSUANT TO THE |
| |) | EQUAL ACCESS TO JUSTICE ACT, 28 |
| MICHAEL J. ASTRUE, Commissioner of |) | U.S.C. § 2412(d), AND COSTS UNDER 28 |
| Social Security, |) | U.S.C. § 1920 |
| |) | |
| Defendant. |) | & ORDER |

TO THE HONORABLE NANDOR J. VADAS, MAGISTRATE JUDGE OF THE
DISTRICT COURT:

IT IS HEREBY STIPULATED by and between the parties through their undersigned
counsel, subject to the approval of the Court, that Plaintiff Gary Lankford be awarded attorney fees
and expenses in the amount of THREE THOUSAND, TWO HUNDRED, AND FORTY-FOUR
dollars and 00/100 cents (\$3,244.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C.
§ 2412(d). This amount represents compensation for all legal services rendered on behalf of
Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920;
2412(d).

& ORDER
Stipulation for the Award and Payment of Attorney Fees and Expenses
Pursuant to the Equal Access to Justice Act, Case No. 12-cv-01517-NJV-1-

1 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
 2 matter of Mr. Lankford's assignment of EAJA fees to Kenneth J. Collins. The retainer agreement
 3 containing the assignment is attached as Exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529
 4 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset
 5 allowed under the United States Department of the Treasury's Offset Program. After the order for
 6 EAJA fees is entered, the government will determine whether they are subject to any offset.

7 Fees shall be made payable to Gary Lankford, but if the Department of the Treasury
 8 determines that Mr. Lankford does not owe a federal debt, then the government shall cause the
 9 payment of fees, expenses and costs to be made directly to Mr. Collins, pursuant to the assignment
 10 executed by Mr. Lankford. Any payments made shall be delivered to Mr. Collins.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
 12 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
 13 otherwise. Payment of THREE THOUSAND, TWO HUNDRED AND FORTY-FOUR dollars
 14 and 00/100 cents (\$3,244.00) in EAJA attorney fees, shall constitute a complete release from, and
 15 bar to, any and all claims that Plaintiff Gary Lankford and Plaintiff's Attorney Kenneth J. Collins
 16 may have relating to EAJA attorney fees in connection with this action.

17 This award is without prejudice to the rights of Plaintiff's Attorney, Kenneth J. Collins to
 18 seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
 19 provisions of the EAJA.

20 Respectfully submitted,

21
 22 Dated: _____

/s/ Kenneth J. Collins
 (Per email authorization)
 KENNETH J. COLLINS
 Attorney for Plaintiff

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 24
 25 //

& ORDER

Stipulation for the Award and Payment of Attorney Fees and Expenses
 Pursuant to the Equal Access to Justice Act, Case No. 12-cv-01517-NJV-2-

1 Dated: _____

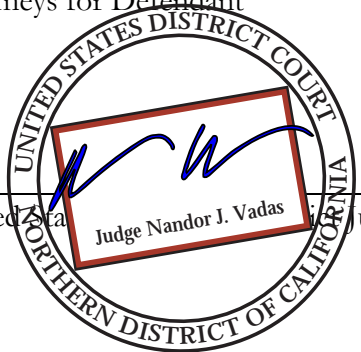
MELINDA L. HAAG
United States Attorney
GRACE M. KIM
Regional Chief Counsel, Region IX
Social Security Administration

4 /s/ Patrick William Snyder
PATRICK WILLIAM SNYDER
Special Assistant United States Attorney
Attorneys for Defendant

7 IT IS SO ORDERED.

8 Dated: May 13, 2013

United States
Judge Nandor J. Vadas
Judge



& ORDER

Stipulation for the Award and Payment of Attorney Fees and Expenses
Pursuant to the Equal Access to Justice Act, Case No. 12-cv-01517-NJV-3-